

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) 1:11CV00265
)
 712 FLAKE BRILES ROAD, CONTAINING)
 APPROXIMATELY 63.098 ACRES, TRINITY,)
 TABERNACLE TOWNSHIP, RANDOLPH)
 COUNTY, NORTH CAROLINA, WITH ALL)
 APPURTENANCES AND IMPROVEMENTS)
 THEREON,)
)
 Defendant.)

DECREE AND JUDGMENT OF FORFEITURE

On April 5, 2011, a Verified Complaint of Forfeiture against the Defendant real property was filed on behalf of Plaintiff, the United States of America. A Notice of Lis Pendens against the real property was recorded in Randolph County on April 5, 2011.

It appearing that process was fully issued in this action and returned according to law:

The United States Treasury Service posted the Defendant real property on May 18, 2011;

Notice of this forfeiture action and arrest was published from April 9, 2011 through May 8, 2011 on an official internet government forfeiture site;

On April 13, 2011, the Randolph County Tax Department was served via certified mail with copies of the Verified Complaint of Forfeiture, Lis Pendens, and Legal Notice;

On April 13, 2011, the North Carolina Department of Revenue was served via certified mail with copies of the Verified Complaint of Forfeiture, Lis Pendens, and Legal Notice;

On May 23, 2011, Rito Gutierrez Cabral was served via certified mail with copies of the Verified Complaint of Forfeiture, Lis Pendens, and Legal Notice;

On May 24, 2011, Martin Gutierrez Cabral was served via certified mail with copies of the Verified Complaint of Forfeiture, Lis Pendens, and Legal Notice;

On June 16, 2011, Robert A. Broadie, Esquire, entered a Notice of Appearance on behalf of Martin Gutierrez;

On June 16, 2011, Martin Gutierrez, by and through his attorney, Robert A. Broadie, filed a Notice of Claim to the Verified Complaint of Forfeiture;

On January 24, 2012, a Notice of Settlement with Martin Gutierrez, a/k/a Martin Gutierrez Cabral was filed. Pursuant to the Settlement Agreement, Martin Gutierrez Cabral agreed and consented to forfeiture of the Defendant property;

On January 25, 2012, all persons and entities, except Martin Gutierrez, a/k/a Martin Gutierrez Cabral, were defaulted for failure to file a claim or answer or otherwise defend as provided

for in Rule G of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims;

NOW, THEREFORE, on Motion of Plaintiff, the United States of America, for a Decree and Judgment of Forfeiture, it is hereby

ORDERED, ADJUDGED AND DECREED that pursuant to 21 U.S.C. § 881(a), 18 U.S.C. § 981(a)(1)(C), and Rule 54, Federal Rules of Civil Procedure, the Defendant property known as 712 Flake Briles Road, containing approximately 63.098 acres, Trinity, Tabernacle Township, Randolph County, North Carolina is forfeited to the United States of America, and no right, title or interest in such property shall exist in any other party.

IT IS FURTHER ORDERED that the Clerk of the Court shall forward two (2) certified copies of this Order to the United States Attorney's Office, Middle District of North Carolina, Attention: Assistant U.S. Attorney Lynne P. Klauer.

/s/ Thomas D. Schroeder
United States District Judge

February 23, 2012